

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES FOR THE USE AND
BENEFIT OF MID STATE CONSTRUCTION
COMPANY, INC.; and MID STATE
CONSTRUCTION COMPANY, INC.

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:11-cv-169(DCB)(MTP)

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA; U.S.
COATING SPECIALTIES & SUPPLIES,
LLC; and EARL WASHINGTON

DEFENDANTS

ORDER

This cause is before the Court on plaintiff Mid State Construction Company, Inc. ("Mid State")'s Motion to Strike Allegations, Arguments, and Requests for Relief of Travelers Related to Any Indemnity Obligations of Any Individual Principal of Mid State (**docket entry 134**). Having carefully considered the motion and response, the memoranda and applicable law, and being fully advised in the premises, the Court finds as follows:

Mid State seeks an order excluding any allegations, arguments and/or requests for relief by Travelers on the issue of individual indemnitors/principals William S. Ware ("Ware") and Paul George Bernheim ("Bernheim")'s individual indemnity obligations, which are the subject of a separate lawsuit, Travelers v. Ware and Bernheim, cause no. 3:13-342(DPJ)(FKB)(Jackson Division).

In response, Travelers states that it inadvertently failed to remove two references to relief against Ware and Bernheim, one in

the heading of Travelers' Memorandum in Support of Motion for Summary Judgment (docket entry 122), and the other in Travelers' Memorandum in Support of Motion for Preliminary Injunction (docket entry 126), and did not intend to bring claims against Ware and/or Bernheim in this action.

Furthermore, the Court has denied Travelers' motion to consolidate the two actions, and finds no reason to allow issues from the Jackson Division case to be argued in the present action. Accordingly,

IT IS HEREBY ORDERED that plaintiff Mid State Construction Company, Inc.'s Motion to Strike Allegations, Arguments, and Requests for Relief of Travelers Related to Any Indemnity Obligations of Any Individual Principal of Mid State (**docket entry 134**) is GRANTED.

SO ORDERED, this the 18th day of November, 2013.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE